1968. No. 160 **[C]**

INDUSTRIAL TRAINING

Industrial Training Levy (Clothing and Footwear Industry)

ORDER, DATED 10TH JULY 1968, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE INDUSTRIAL TRAINING ACT (NORTHERN IRELAND) 1964.

The Ministry of Health and Social Services after approving proposals submitted by the Clothing and Footwear Industry Training Board for the imposition of a levy on employers in the clothing and footwear industry and in exercise of the powers conferred by section 4 of the Industrial Training Act (Northern Ireland) 1964(**a**) and of all other powers enabling it in that behalf, hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the Industrial Training Levy (Clothing and Footwear Industry) Order (Northern Ireland) 1968.

(2) In this Order—

"an appeal tribunal" means an industrial tribunal established under section 13 of the Industrial Training Act (Northern Ireland) 1964;

"assessment" means an assessment of an employer to the levy;

"the Board" means the Clothing and Footwear Industry Training Board;

"business" means any activity of industry or commerce;

"clothing and footwear establishment" means an establishment in Northern Ireland engaged wholly or mainly in the clothing and footwear industry in the second levy period for a total number of weeks exceeding one half of the total number of weeks in that period, or, being an establishment that commenced to carry on business in the second levy period, for a total number of weeks exceeding one half of the total number of weeks in that period commencing with the day on which business was commenced and ending on 31st July 1969;

"the clothing and footwear industry" means any one or more of the activities which, subject to the provisions of paragraph 2 of Schedule 1 to the industrial training order, are specified in paragraph 1 of that Schedule as activities of the clothing and footwear industry;

"employer" means an employer in the clothing and footwear industry;

"the industrial training order" means the Industrial Training (Clothing and Footwear Board) Order (Northern Ireland) 1966(**b**);

"the levy" means the levy imposed by the Board in respect of the second levy period;

"the Ministry" means the Ministry of Health and Social Services;

"notice" means a notice in writing;

"the second levy period" means the period commencing with the date on which this Order comes into operation and ending on 31st July 1969.

(3) Any reference in this Order to an establishment that commences or ceases to carry on business shall not be taken to apply where the location of the establishment is changed but its business is continued wholly or mainly at

(**a**) 1964. c. 18 (N.I.).
(**b**) S.R. & O. (N.I.) 1966, No. 130 as amended by S.R. & O. (N.I.) 1966, No. 222 and by S.R. & O. (N.I.) 1967, No. 236.

or from the new location or where the suspension of activities is of a temporary nature.

Imposition of the Levy

2. The levy to be imposed by the Board on employers in respect of the second levy period shall be assessed and paid in accordance with the provisions of this Order.

Assessment of the Levy

3.—(1) The levy shall be assessed by the Board separately in respect of each clothing and footwear establishment of an employer, but in agreement with the employer one assessment may be made in respect of any number of such establishments, in which case those establishments shall be deemed for the purposes of that assessment to constitute one establishment.

(2) Subject to the provisions of this Article, the levy assessed in respect of a clothing and footwear establishment of an employer shall be calculated by multiplying the sum of £6 by the number that is equal to the average (calculated to the lowest whole number) of the numbers of persons employed or deemed to have been employed at or from an establishment on 1st May 1968, 1st August 1968, 1st November 1968 and 1st February 1969.

(3) The amount of the levy imposed in respect of a clothing and footwear establishment that ceases to carry on business in the second levy period shall be in the same proportion to the amount that would otherwise be due under the foregoing provisions of this Article as the number of days between the commencement of the said levy period and the date of cessation of business (both dates inclusive) bears to the number of days in the said levy period.

(4) Where a clothing and footwear establishment is taken over (whether directly or indirectly) by an employer in succession to, or jointly with, another person, a person employed at or from the establishment at any time in the second levy period which precedes the date upon which an assessment notice is first served under Article 4 shall be deemed, for the purposes of this Article, to have been so employed by the employer carrying on the said establishment on the day upon which this Order comes into operation.

(5) For the purposes of this Article no regard shall be had to any person engaged wholly in the supply of food or drink for immediate consumption.

Assessment Notice

4.—(1) The Board shall serve an assessment notice on every employer, but one notice may comprise two or more assessments.

(2) An assessment notice may be served on the employer either by delivering it to him personally or by leaving it, or sending it to him by post, at his last known address or place of business in the United Kingdom or, if the employer is a company, at the company's such address or place of business.

Payment of Levy

5.—(1) Subject to the provisions of this Article and Articles 6 and 7, the amount of each assessment appearing in an assessment notice served by the Board shall be payable to the Board in two equal instalments of which the first such instalment shall be due on 1st April 1969 and the other on 1st October 1969.

(2) An instalment of an assessment shall not be recoverable by the Board until any time allowed for appealing against the assessment has expired or, where an appeal is brought, until the appeal is decided or withdrawn.